

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42132 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

Md. Mukhtar S/O Late Wali Ahmad @ Md. Wali Ahmad R/O Village-
Badluchak, P.S- Jagdishpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-07-2025 Heard Mr.Md. Nurul Hoda, learned counsel for the

petitioner, learned counsel for the informant and Mr.Mohammed

Arif, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
05.04.2025 in connection with Jagdishpur P.S. Case No. 161 of
2024, F.I.R. dated 13.07.2024 registered for the offence
punishable under Sections 126(2), 115(2), 109(1), 352, 3(5) of
Bhartiya Nyayha Sanhita (BNS), 2023 and Section 27 of the
Arms Act.

3. Allegation against the petitioner is that he assaulted
to one Jamshed by means of iron rod by which his left hand
broken.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. One title suit bearing Title Suit No. 459/2022 is also pending between the parties which suggests that there is admitted land dispute between the parties. From a bare perusal of the FIR it appears that due to admitted land dispute the present occurrence had taken place. There is case and counter case. Although the specific allegation against the petitioner in the FIR that he has assaulted to one Md. Jamshed by means of iron rod and he has received injury in his hand and his hand is broken so injury inflicted upon Md. Jamshed is grievous in nature as opined by the Doctor. Learned counsel for the petitioner submits that although the injury is grievous in nature but the injury is not on the vital part of the body and apart from that, co-accused persons, namely, Md. Munna @ Mohammad Abu Bakar @ Abu Bakar @ Mphammad Abu Bakar and Md. Firdos @ Ferdosh Vali Ahmad have been granted privilege of anticipatory bail by this Court vide order dated 02.07.2025 passed in Cr. Misc. No.12953 of 2025 and the petitioner is in custody since 05.04.2025.

5. Learned counsel for the informant and learned APP



for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted to one Md. Jamshed and he has received the injury which is grievous in nature.

6. Considering the aforesaid fact and petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 161 of 2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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